

November 20, 2002

Mr. Michael Ness, Chairperson
Peace Garden Special Education Consortium
301 Brander Street
Bottineau, ND 58318-1199

Dear Mr. Ness,

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Peace Garden Consortium during September 17 - 20, 2002, for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on "access to services" as well as "improving results for children and youth with disabilities." In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus federal, state, and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the Peace Garden Consortium, parents, and stakeholders.

In conducting its review of the Peace Garden Consortium of Student Support Services, NDDPI applied the standards set forth in the IDEA '97 statute and Part B regulations (34 CFR Part 300), as they were in effect at the time of the review. On March 12, 1999, the United States Department of Education published new final Part B regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, the Peace Garden Consortium should ensure that all improvement strategies are consistent with the new final regulations.

The enclosed report addresses strengths noted during the review, areas that require corrective action because they represent noncompliance with the requirements of the IDEA, and suggestions for improvements that will lead to best practice. Enclosed you will find an Executive Summary of the Report, an Introduction including Background Information, and a Description of Issues and Findings. NDDPI will work with you to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by the Peace Garden Consortium staff and Self-Assessment team members during our review. Throughout the course of the review, Mr. Keith Gustafson, Director of Special Education, was responsive to requests for information and assistance from NDDPI personnel. Mrs. Holly Brenden, Office Manager, and Mrs. Deb Austin, Coordinator, were also extremely helpful in assisting the NDDPI monitors during the

Verification Review process. All administrators and educators interviewed were very cooperative and welcomed the NDDPI monitors to their schools.

Thank you for the continued efforts toward the goal of achieving better results for children and youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their child's future.

While schools have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on attaining better results. To that end, we look forward to working in partnership with the Peace Garden Consortium to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten
Director of Special Education

Cc: Mr. Keith Gustafson, Director, Peace Garden Consortium
Mr. Allen Burgad, Chairperson, Northern Plains Special Education Unit
Ms. Gaylene Belgarde, Director, Turtle Mountain Special Education Unit

Enclosure

EXECUTIVE SUMMARY

PEACE GARDEN CONSORTIUM

The attached report contains results of the Collaborative Review and Verification Review phases of the North Dakota Continuous Improvement Monitoring of the *Individuals with Disabilities Education Act (IDEA), Part B*, implemented in the Peace Garden Consortium during the 2001-2002 school year. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the Peace Garden Consortium, parents, and stakeholders.

Monitoring Activities

Several means were used in the monitoring process to gather data, review procedures, and determine the extent to which the Peace Garden Consortium is in compliance with federal and state regulations. The Collaborative Review phase of the monitoring process included the completion of a *Self-Assessment* by a Steering Committee and Sub-Committees comprised of administrators, special education personnel, parents, students, general education personnel, community representatives, Policy Council and Curriculum Consortium representatives. The Steering Committee analyzed the file review process, survey responses and focus group activities. The Self-Assessment process included a synthesis of the data collected to address the six principles of IDEA and resulted in recommendations and ongoing action steps for improvement planning.

The following Self-Assessment activities were completed by the Steering Committee as part of the Collaborative Review Process:

1. Review of data contained in previous compliance documents including the 1996 State Monitoring Report, internal monitoring data for the past 3 years, all complaints and concerns filed by parents, and a variety of other data collected by the Consortium.
2. Students with disabilities, special education personnel and paraeducators were surveyed regarding their satisfaction with services provided by the Peace Garden Consortium. Sample survey forms recommended by NDDPI were used.
3. A focus group format utilizing a parent moderator was offered to parents at seven locations throughout the Consortium. Input and information from 57 parents was summarized and analyzed to determine patterns of positive comments, issues and concerns.
4. A consultant was hired to conduct on-site individual interviews with 18 general education administrators throughout the Consortium. The consultant analyzed responses and submitted a report including patterns of positive comments, significant issues and concerns.
5. A focus group interview format was conducted with 30 general education personnel at three sites throughout the Consortium. Input was summarized and analyzed to determine top priorities for the school district and special education structure.
6. A sample of approximately 30% of all special education student files were partially reviewed for compliance with the IDEA regulations, utilizing the form provided in the NDDPI document *Special Education Monitoring Manual: Collaborative Review Process*. The Consortium also implements a comprehensive ongoing internal monitoring process

to monitor 25% of each special education teacher's files on an annual basis. Data gathered during the internal monitoring process is used for identification of compliance issues specific to individual teachers and is tied to individual improvement plans. Each school district member receives a summary report and the school is then placed on a matrix based on the Six Principles of IDEA. The schools are identified for follow-up within the differentiated levels of Facilitated Review, Focused Review, Validation Review, or Verification Review. During the Self-Assessment process, separate file reviews and analysis was also completed for focused areas of transition and behavior.

7. Compliance worksheets were completed and the results were analyzed by the Steering Committee.
8. Data from the Peace Garden Consortium were analyzed to compare the local school districts to the statewide averages on the *ND Performance Goals & Indicators*. This included the number of students served in special education, Least Restrictive Learning Environment settings, ethnic diversity, dropout rate, and transition follow-up outcomes.
9. Programmatic issues were analyzed to ensure that comprehensive and accurate information was used to identify issues necessary for the design of the unit improvement plan.
10. Interviews were conducted with representatives from twelve other agencies serving students with disabilities for additional insight into planning improvement strategies.

The *Verification Review* conducted by the NDDPI included an on-site meeting with members from the Peace Garden Consortium Self-Assessment Steering Committee and the North Dakota Department of Public Instruction (NDDPI) staff. Interviews with school administrators, general educators, and special educators were conducted during the Verification Review Site Visitation on September 17 - 20, 2002. Focused special education file reviews were conducted on the special education records of 29 students following the compliance issues reported by the Peace Garden Consortium's Steering Committee in their Self-Assessment report. The *1996 Peace Garden Special Education Unit P.L. 101-476 Compliance Monitoring Report* and current *Eligibility Document (2000)* was reviewed for comparison purposes with the current verification review. The *Peace Garden Consortium Policies and Procedures Manual* was reviewed to ensure that the revisions contained within the *1997 Reauthorization of the IDEA* were addressed in the unit's policy. The *Peace Garden Consortium Parent and Community Involvement Manual* was also reviewed. Information obtained from these data sources was shared with Mr. Keith Gustafson, Director, and some members of the Peace Garden Consortium Self-Assessment Team in an exit meeting conducted on September 20, 2002. In addition, improvement planning, strategies, and action steps developed by the Consortium were discussed at the exit meeting.

The NDDPI staff members express their appreciation to the administrators, special education teachers, general education personnel, students and parents, office manager, and other agency personnel in the Peace Garden Consortium who participated in the monitoring activities. Their efforts represent a commitment of time and energy without which the multipurpose task of monitoring could not be completed.

This report contains a description of the process utilized to collect data and to determine strengths, areas of noncompliance with the IDEA, and suggestions for improvements for fully realizing the six basic principles of the Individuals with Disabilities Education Act.

Education of Children and Youth with Disabilities
Part B of IDEA

Strengths

The North Dakota Department of Public Instruction (NDDPI) verified several strengths identified in the *Peace Garden Consortium Self-Assessment Report*. The strengths observed by the NDDPI monitoring team are listed below:

- A comparison of the results obtained during the 1996-97 Peace Garden Special Education Unit monitoring indicated that inservice training, policies and procedures updates, and form revisions have resulted in improved compliance. Issues cited in the 1997 monitoring report including; ESY, transfer of student rights, IEPs reviewed and revised within one year, reevaluations completed within three years, and comprehensive assessment planning and report writing, are not considered to be out of compliance at this time.
- A sophisticated, comprehensive, and continual internal monitoring process is utilized to assure compliance with IDEA regulations and provide individual teacher skill development. Outcomes are measured and utilized for improvement planning across the Consortium.
- A strong commitment to providing opportunities for parent involvement was evident throughout the Consortium.
- Village Early Childhood Special Education Interagency Collaboration Teams function effectively throughout the Consortium to provide Child Find, referral, evaluation, and provision of services to children from birth to age 5.
- Evidence of strong skills among paraeducators was noted due to comprehensive training components provided on an ongoing basis. In addition, training and skill development opportunities are continually offered to a variety of audiences across the Consortium.
- Well-written documentation for justification of Extended School Year (ESY) services was found in student IEPs.
- The Least Restrictive Environment (LRE) sections of student IEPs were very well written and descriptive of individual children's needs.
- The special educators and Consortium coordinators were described as professional, respected, and always available when needed. Many favorable comments were made about the Consortium director's knowledge, skill, and dedication to improving results for children with disabilities. Keith Gustafson has contributed leadership and support for innovative projects within the Consortium and has also participated in state level pilot projects in special education.

Areas of Noncompliance

NDDPI observed the following areas of noncompliance:

- Parent consent for evaluation forms were not found in some student files.
- Required components of additional procedures for evaluating students with specific learning disabilities were missing from assessment reports.
- Progress reporting to parents was not indicated in some IEPs and current forms were not functional.

- Student IEPs and prior notices did not include all of the required transition components for students age 14 and older.
- Some components were missing from annual goals and short-term objectives in student IEPs.

PEACE GARDEN CONSORTIUM MONITORING REPORT
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INTRODUCTION

Background, Administrative Structures, and Children Served: The Peace Garden Consortium is a consortium of three cooperating special education units located in the north central part of the state. The initial membership of the Consortium included seventeen school districts. Peace Garden Special Services Unit based in Bottineau serves the school districts of Mohall, Sherwood, Westhope, Newburg, Bottineau, Willow City, Dunseith, St. John, Rolette, Wolford, Rolla, and Towner/Granville/Upham. The total ADM for the cooperating school districts was 3,298 (July 2002) with a special education child count of 543 students for a 16.5% placement rate.

Northern Plains Special Education Unit based in Stanley serves the school districts of Stanley, Powers Lake, Bowbells, and Lignite. The total ADM for the cooperating school districts was 727 (July 2002) with a special education child count of 111 students for a 15.3% placement rate.

Turtle Mountain Community School in Belcourt is included in the Consortium structure for services to non-ISEP (Indian School Equalization Program) eligible special education students (52 students reported on December 2001 child count). The Turtle Mountain Community School is included in the Peace Garden Consortium *Eligibility Document (2000)* to indicate assurances of compliance to state and federal requirements under IDEA, and for the purpose of receiving IDEA, Preschool, and Sliver Grant funds. Turtle Mountain Community School does not participate in the Internal Monitoring process implemented by the Peace Garden Consortium.

The Consortium is designed to share administrative and consultative staff, policies and procedures, inservice training opportunities, and media center inventory. Member schools assume the responsibility for providing a free and appropriate education to every child whose parents reside in that school district. Schools provide qualified teachers, access to educational opportunities with other students who are not disabled, instructional materials, transportation, and other educational benefits afforded to all students attending the school district. A variety of advisory committees have been implemented throughout the Consortium including Policy Councils, a Family Educator Enhancement Team, LRE Committee, School Improvement Committees, Curriculum Councils, and Site-Based Management Teams.

The Peace Garden Consortium central office staff consists of a Director of Special Education, an Office Manager, a Business Manager, and Program Coordinators in the areas of early childhood special education, emotional disturbance, speech-language, and specific learning disabilities. Approximately 42 professional staff members are employed by districts throughout the Consortium (excluding staff at Turtle Mountain Community School).

Innovative Projects

The Peace Garden Consortium is currently involved in planning and implementation of several innovative educational projects. The Peace Garden Special Education Director, Keith Gustafson, has provided significant leadership and support for all of these projects:

Unified Education System Initiative

Currently being implemented in all grades at Towner/Granville/Upham school district, this project utilizes the Grady Profile software to develop individual learning plans for all students in grades K – 12. The Grady Profile documents school-wide assessment, intervention planning and monitoring progress of a student based on content and performance standards, benchmarks, and outcomes in each of the content areas. Special education services are viewed as supports within the general education curriculum rather than as separate services based on eligibility. School-wide accommodations and supports are accessible to all students.

Noncategorical Delay (NCD) Pilot Project

The Peace Garden Consortium participates as a pilot site in a feasibility study of utilizing noncategorical delay eligibility for students ages 5 – 9. The Peace Garden special education director has provided leadership for this state level pilot project over a period of several years.

TeleHealth Speech/Language Services Pilot Project

The Peace Garden Consortium participates in the Rural Disabilities Service Project through the North Dakota Center for Persons with Disabilities (NDCPD). Using interactive voice and video technologies, certified speech-language pathologists at NDCPD in Minot provide speech-language services to students while they remain in their home schools.

Village Teams

The Peace Garden Consortium supports an interagency collaborative approach for the provision of services to young children, ages birth through 5. Services are provided through a team approach, using a continuum of support options and community-based settings. Village Teams are community-based interagency teams that serve as an umbrella to encompass other existing community services and programs. Village Teams also sponsor new programs designed to meet the identified needs of the communities by accessing discretionary grant funding. This ongoing collaborative effort ensures seamless transitions for young children moving from early intervention to preschool programs and services.

Verification Review and Data Collection: The Peace Garden Consortium began the Collaborative Review process in October 2001 after attending training provided by the North Dakota Department of Public Instruction (NDDPI). The Self-Assessment Team and Sub-Committees conducted the Self-Assessment processes throughout the 2001-2002 academic year and submitted the Self-Assessment Report to NDDPI in July 2002. The Self-Assessment Report included the data analysis of student record reviews, focus group summaries, survey information, and program quality indicators.

The North Dakota Department of Public Instruction monitoring team visited the Peace Garden Consortium on September 17 - 20, 2002, for the purpose of validating the information provided through the Collaborative Review process. This included a review of the new requirements under the IDEA, Amendments of 1997, and compliance to findings from the *1996 Peace Garden Special Education Unit State Monitoring Report*. On September 18, 2002, NDDPI staff members met with Keith Gustafson, Director of the Peace Garden Consortium, and the Self-Assessment Steering Committee to review and discuss the Self-Assessment Report. NDDPI visited the

majority of the public school districts served by the Peace Garden Consortium on September 17 - 20, 2002. Student record reviews, including Individualized Education Programs (IEPs) and Integrated Written Assessment Reports (IWARs), were reviewed for 29 students. Interviews were conducted with 35 special education staff, general education teachers who teach children with disabilities in their classrooms, and administrators. Preliminary results and findings of the Verification Review Visit were presented to staff members of the Peace Garden Consortium in a summary meeting at the end of the site visit, on September 20, 2002.

Verification Review: Turtle Mountain Community School

Robert Rutten, ND Director of Special Education and a member of the NDDPI monitoring team, attempted an on-site visit to Turtle Mountain Community School during the afternoon of September 19, 2002. Due to a bomb threat, school was not in session and the high school was locked so Mr. Rutten was not able to conduct any monitoring activities. On October 30, 2002, Mr. Rutten again visited Turtle Mountain Community School and briefly interviewed the Superintendent and Secondary Principal. He also visited with two special education staff members working in the High School and obtained copies of evaluations and IEPs for three secondary students receiving special education services. The special education administrator was not available to meet with Mr. Rutten.

Turtle Mountain Special Education Unit is reported as an Affiliate Member of the Peace Garden Consortium agreeing to assurances of compliance to state and federal requirements of IDEA for the purpose of receiving IDEA, Preschool and Sliver Grant funds. It was apparent, however, that representatives from Turtle Mountain did not participate in the Peace Garden Consortium Self-Assessment Process in preparation for continuous improvement monitoring activities conducted by the ND Department of Public Instruction. Department staff will contact the special education administrator of the Turtle Mountain Community School for the purpose of defining what must be submitted as evidence of a Self-Assessment of the Turtle Mountain Community School.

Verification Review: Significantly Noncompliant Individual School District

NDDPI monitors reviewed summaries and detailed reports of internal monitoring activities conducted within a specific individual school district by the Peace Garden Consortium administrator and coordinators during May 1999, October 2000, and November 2001. This school district in the Peace Garden Special Education Unit has been identified to be in need of ongoing facilitated review due to significant noncompliance with the Individuals with Disabilities Education Act, Amendments of 1997 (IDEA 97). In 1999, 2000, and 2001, errors and omission were noted in the areas of assessment, IEP components, and procedural safeguards. The internal monitoring team summary dated 10/4/2000 noted a history of noncompliance with IDEA 97 substantiated by the number of complaints filed by parents internally to the Peace Garden Consortium, externally with the North Dakota Protection and Advocacy Project, and investigated by the North Dakota Department of Public Instruction. The 2000 summary also noted that prior interventions and corrective actions had not been successful in altering the past practices of the school district. This noncompliant individual school district will be identified by name in a separate letter to Keith Gustafson, Special Education Director of the Peace Garden Consortium.

As part of the NDDPI Verification Review conducted on September 17 – 20, 2002, current Integrated Written Assessment Reports (IWARs), prior written notices, and current IEPs were reviewed for five students with disabilities attending the school district. In addition, NDDPI monitors conducted interviews with special education staff, the superintendent and elementary principal. As a result of these Verification Review activities, NDDPI monitors concur that significant noncompliance with IDEA 97 were still evident. Specific items noted to be out of compliance were incomplete IWARs, missing additional requirements for identification of specific learning disability, incomplete goals, objectives and characteristics of services, missing transition components, incomplete LRE statements, ESY not addressed, missing behavior plans and interventions, and no evidence of parent participation in assessment planning and IEPs. Intensive facilitated internal monitoring activities, intervention and improvement planning efforts must be conducted within this school district and quarterly reports submitted to NDDPI.

Improvement Planning: In response to this report, the Peace Garden Consortium will develop an action plan including specific *Improvement Strategies* addressing areas identified as noncompliant, within 60 days of receipt of this report. The NDDPI Special Education Regional Coordinator assigned to the Peace Garden Consortium will serve as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the Unit. If needed, the regional coordinator may be contacted for suggested formats to be used for the development and documentation of the Improvement Strategies.

It should be noted that, as a general rule, noncompliance would be cited when a violation is found in 15 percent or more of the student files or other data reviewed. However, some violations are considered so serious as to be cited if even one incident is noted. Violations of this nature include, for example; not conducting an assessment before placement, lack of evidence of parent consent, or other critical information that must be maintained in a student's file.

Suggestions for improved results for children do not require a formal response from the Consortium. However, the NDDPI encourages the Peace Garden Consortium to consider the suggestions for further study and improvement planning as a means of strengthening the system of services to children with disabilities.

An extensive listing of recommendations for improvement planning has already been developed and was submitted to NDDPI on September 18, 2002. The Peace Garden Consortium special education director is encouraged to continue refinement of improvement planning strategies and action steps as a logical next step in the Continuous Improvement Monitoring Process.

Report Organization

The remainder of this report presents information in each of six areas, which reflect the six principles of the Individuals with Disabilities Education Act (IDEA). They are zero reject, nondiscriminatory evaluation, free appropriate public education, least restrictive environment, parent involvement, and procedural safeguards. Each section describes strengths and concerns identified in the Peace Garden Consortium Self-Assessment Report, areas of strength identified by the NDDPI Verification Review team through interviews and student file reviews, and other sources; areas of noncompliance; and suggestions for improved results for children.

I. ZERO REJECT

All children with disabilities must be provided with a free appropriate public education (FAPE). All children with disabilities, and who are in need of special education and related services, must be identified, located, and evaluated.

Procedures are in place for the identification of students with disabilities ages 3 – 21 throughout the Peace Garden Consortium. As reported in the *Peace Garden Eligibility Document (2000)*, the Consortium assures ongoing efforts to identify, evaluate, and serve children with disabilities. The Peace Garden Consortium Self-Assessment Report contains input from other agencies indicating that the Village Teams utilized for referral, identification, location and evaluation for young children, birth to age 5, are highly successful. The Village Teams are an innovative structure for facilitating collaborative efforts involving community based service providers utilizing existing community services for young children, and providing advocacy services to increase the ability of the community to meet the needs of young children and their families.

Consortium representatives participate in regional Interagency Coordinating Councils (ICC) to create policies and procedures to prevent duplication of services and maximize the impact of all community services and programs. The ICC also provides a platform for interagency collaboration to facilitate transition periods for young children and youth with disabilities.

The Self-Assessment Report summary of comments from parents during focus group meetings indicates that “many parents expressed concerns about the referral process” and “too many children get lost in the system and experience undue failure prior to the identification of a disability.” Also noted in the Self-Assessment Report, general education teachers described the assessment process and eligibility determination as “lengthy, discouraging, and time consuming.” In addition, only 63.9% of special education teachers surveyed agreed, “school(s) have sufficient pre-referral intervention and support services available to maintain at-risk students within general education programs.”

During the interviews that NDDPI monitors conducted as part of the Verification Review, respondents were asked to “Describe the Building Level Support Team (BLST) activities in your school.” Further probes included questions regarding team membership and function, notification of parents, record keeping and measurement of effectiveness, and the time line from pre-referral to referral for a special education evaluation. Those interviewed were knowledgeable of the process, however four general educators stated that the process delayed referral and assessment for a long period of time. Variability among schools, and differences between elementary and secondary schools, was noted with the building administrator considered as vital to a strong pre-referral process. Although administrators at small rural schools within the Consortium articulated a stronger ownership of “all children”, they also tended to note some difficulty getting services in a timely manner, including assessments, when needed.

IDEA Part B Child Find obligations extend until students graduate from high school. It is the responsibility of the Peace Garden Consortium to promote effective strategies to identify any school age child who has a disability and may need special education and related services. The

pre-referral process is critical in consistently and accurately identifying those children with special needs. An analysis of that process may be helpful in improving the overall education for all children within the Consortium.

The Annual Operational Plan (FY 2002) included in the Self-Assessment Report states a goal to implement Site-based Coordination Teams that will be responsible to identify, locate, and evaluate students with disabilities, or who are at-risk to develop disabilities. Each Site-based Coordination Team will “develop and utilize effective strategies to identify students who are at-risk for emotional disabilities and/or who are at-risk for suspension, expulsion, failing school, or dropping out of school.” Analysis of outcomes for children and youth after implementation of the Site-based Coordination Teams will be critical to ongoing measurement of program effectiveness throughout the Consortium.

NDDPI reviewed and analyzed the data and identified the following strengths and suggestions for improvement.

STRENGTHS

Village Early Childhood Special Education Interagency Collaborative Teams have been established and are functioning effectively throughout the Consortium. The Village Teams ensure collaboration with community based service providers working with young children from birth to age 5 who have disabilities or are at-risk for developing disabilities. Village Teams are designed to facilitate the referral, identification, location, and evaluation process.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Through interviews and some comments gleaned from focus groups, it was noted that while the BLST procedures are in place across the Consortium, they are applied inconsistently due to various factors. It seems, however, that the building administrator is the key player in supporting and maintaining a strong pre-referral process. NDDPI strongly encourages continued skill development in the area of classroom supports and interventions. NDDPI further encourages the Peace Garden Consortium to study the effectiveness of the BLST process in terms of increased skills of educators and administrators. Examining the BLST process will require consistency across the Consortium, particularly in terms of the extent of training effectiveness, information collected, and other factors.

II. NONDISCRIMINATORY EVALUATION

Any child with a suspected disability must receive a full, individualized evaluation, which meets specific standards, and includes information from a variety of sources.

A sampling of file reviews conducted during the Peace Garden Consortium Self-Assessment process showed over 85% compliance in 7 of the 18 procedural requirements for assessment areas monitored. The consent for evaluation form was found in 83% of the files monitored. Documentation or evidence of parent involvement in assessment planning, at 58% compliance, was significantly below standard. All other areas of noncompliance in assessment were requirements specific to the disability area of specific learning disabilities, and the specific items

of observation in the classroom (37% in compliance), and relationship between observation and academic functioning (47% compliance), were significantly low.

As reported previously under Zero Reject, the Self-Assessment Report summary of comments from parents indicates that many parents expressed concerns about the referral process. An additional statement in the Self-Assessment Report summary indicated that several “parents were required to pay for costs associated with the assessment process for eligibility.” Also noted in the Self-Assessment Report, general educators described the evaluation process as “lengthy, discouraging, and time consuming.” A comment noted in the administrator’s interview summary indicated that there is a need for a “faster return in getting test results.”

A sampling of file reviews conducted by NDDPI monitors supported the results of the file review data cited in the Peace Garden Consortium Self-Assessment Report. Copies of assessment plans and integrated written assessment reports were reviewed during the Verification Review visit. During interviews conducted by NDDPI monitors as part of the Verification Review, respondents were asked to “Describe the evaluation planning process.” Further probes included questions regarding parent participation, completion of student profile and assessment plan, and for students 16 years and older, student interests were discussed. In addition, special educators were asked about the process followed when the team determines no additional information is needed. Special educators involved in the completion of assessments for students with specific learning disabilities (SLD) were asked to describe how additional SLD requirements are addressed and documented in the evaluation process.

The Peace Garden Consortium special education director has assured NDDPI that state recommended *Guidelines: Evaluation Process (8/1/99)* has been adopted by the Consortium and is being used by special education staff members.

NDDPI reviewed and analyzed the data from the unit’s Self-Assessment file review, and the NDDPI file review, and identified the following areas of noncompliance, and suggestions for improvement.

AREAS OF NONCOMPLIANCE

Consent for Evaluation

34 CFR 300.505 (a)(i) indicates that informed parent consent must be obtained before conducting an initial evaluation or reevaluation. As reported in the Self-Assessment Report, 83% compliance with this requirement was noted. However, signed consent for evaluation forms must be obtained and placed in all student files. Parent permission to evaluate, as documented by the signed consent form, is critical and 100% compliance must be maintained.

Additional Procedures for Evaluating Children with Specific Learning Disabilities

34 CFR 300.540-300.543 describe additional requirements the district must follow when evaluating a child with specific learning disabilities. Professionals responsible for providing services for SLD students were interviewed regarding the additional SLD requirements in evaluation. Most interviewees were able to consistently describe all additional SLD requirements and the process required for including them in the integrated written assessment

report. However, NDDPI monitors reviewed files for six students identified as having specific learning disabilities, and verified data reported in the Peace Garden Consortium Self-Assessment as noncompliant in documentation of the following SLD requirements:

- Appropriate instruction provided prior to referral;
- Identification as SLD in one of seven areas;
- Basis for determination of SLD;
- Observation in classroom;
- Relationship between observation and academic functioning;
- Discrepancy not attributed to other causes;
- Address educationally relevant medical findings; and,
- Address effects of disadvantage.

Compliance with additional procedures for evaluating children with specific learning disabilities was also cited as an area of noncompliance in the previous monitoring report (April 11, 1997).

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Indication that No Additional Information Needed

During interviews with special educators, respondents were able to explain the concept of situations when no additional information is needed for evaluation purposes. NDDPI monitors noted, however, that there is some confusion with procedures and documentation of this requirement when appropriate. A careful review of this regulation and where to place documentation in the integrated written assessment report may be helpful to the special education staff.

Parent Involvement – Evaluation Team

Evaluation must be completed by a group that includes the individuals required by 34 CFR 300.344 (multidisciplinary team). The parents play an important role in the evaluation process and must be part of their child's multidisciplinary team. NDDPI monitors found documentation of parent involvement during evaluation in 88% of the student files sampled. While this finding is above the standard set by the Department, the noncompliance rate of 58% reported in the Self-Assessment Report is of concern. The Peace Garden Consortium is strongly encouraged to continue internal monitoring and improvement planning for individual special education teachers in order to implement this critical component of the evaluation process.

Length of Time for Evaluation Process

As reported in the Peace Garden Consortium Self-Assessment, parents, general educators, and administrators expressed concerns about perceived delays in the evaluation process. NDDPI monitors also noted many comments during on-site interviews that although special educators are greatly appreciated and excellent at their jobs, they are very often "spread too thin." This comment was noted at least 24 times during 35 interviews with general educators, special educators, and administrators. Areas of need mentioned most often were delayed evaluations and need for more services in the areas of emotional disturbance and specific learning disabilities. Although it is clearly stated in Consortium administrative guidelines that each school district member must provide qualified special education staff, the Consortium should conduct an in-depth analysis of this issue and assist the districts in addressing this need for timely evaluation and provision of services.

III. FREE APPROPRIATE PUBLIC EDUCATION

An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, must develop an educational program tailored to meet the child's unique needs.

The Peace Garden Consortium Self-Assessment Report file review indicated a range of 85% to 98% compliance for 21 of 22 procedural requirements in Free Appropriate Public Education (FAPE) and IEP sections monitored. The only item reported below the standard was progress reporting to parents at 76% compliance. A separate analysis of student IEPs for behavior goals, objectives, accommodations, and appropriate behavior plans was conducted by Consortium staff. A summary included in the Self-Assessment reported some concerns with clearly documented connections between the present levels of educational performance and behavior goals. A separate analysis of file reviews for all students with transition plans indicated the following concerns:

- Incomplete prior notices and/or prior notices being sent to parents when students were 18;
- Prior notices not sent to graduating seniors;
- Transition components not in place before the student reaches age 14;
- Other agency contacts not addressed or documented; and,
- Missing components across all areas of the transition IEP forms.

Input gathered from parents during the Self-Assessment process yielded patterns indicating an expression of strong appreciation for services being provided through the Consortium. Parents also commented on effective strategies used by school personnel to build the self-esteem of students with disabilities. Parents did express some concerns relating to FAPE including having to pay for some educational services, reports of general educators "blatantly" refusing to implement IEPs, needs for increased counseling and mental health supports, and negative school climates resulting in bullying, disability harassment, and teasing.

Input from administrators included in the Self-Assessment Report indicated appropriate access and utilization of services through the Consortium. The administrators expressed an appreciation for the quality of staff and services provided through the central special education offices. The most critical issue reported was the ability to hire qualified staff due to lack of resources and the rural location of the school districts. The administrators also reported that general education teachers might not have sufficient training to support children with disabilities in their classrooms. Patterns identified based on input from general educators indicated concerns that special education teachers have large caseloads and not enough time for collaboration along with some concerns about the use of paraeducators. General educators articulated a need for extensive inservice training on many areas of special education.

Although 90% of students surveyed during the Self-Assessment process agreed that the special education services received were meeting their needs, only 79% responded that they felt welcome and were treated respectfully in their schools. In addition, only 67% of students responding agreed that teachers set challenging goals and expectations for them.

The Peace Garden Consortium special education director has assured NDDPI that state recommended *Guidelines: Individualized Education Program Planning Process (8/1/99)* was adopted by the unit and is being used by special education staff members. During interviews conducted by NDDPI monitors as part of the Verification Review, respondents were asked to describe the IEP development process, including specific questions related to:

- IEP team members;
- Determination of present levels of educational performance;
- Development of annual goals and objectives;
- Supports for students with emotional or behavioral concerns;
- Transition planning;
- Development of characteristics of services;
- Extended School Year (ESY) discussion;
- Determination of Least Restrictive Environment (LRE); and
- Progress reporting to parents.

Student file reviews completed by NDDPI monitors included the IEP components indicated above. NDDPI monitors also reviewed eight additional IEPs for students of transition age.

NDDPI monitors reviewed and analyzed the data and identified the following areas of strengths, noncompliance and suggestions for improvement.

STRENGTHS

Administrators, and both general and special educators interviewed by NDDPI monitors, indicated a very high level of parent involvement and attendance at IEP meetings. NDDPI monitors noted during student file reviews that adaptations sections were extremely well written and clearly related to present levels of educational performance. Also noted were clearly written and complete documentation for justification of Extended School Year (ESY) services. During interviews with special educators, all respondents were able to describe the appropriate procedures for discussion of ESY services. Another strength noted during interviews with educators and administrators was the excellent on-going training provided to paraeducators. Many interviewees commented that paraeducators are very skilled and a valuable support in providing services to students with disabilities.

AREAS OF NONCOMPLIANCE

Progress Reporting to Parents

34 CFR 300.347 requires student progress reporting to parents of children with disabilities at least as often as the parents of nondisabled children receive reports. In 70% of student IEPs reviewed by NDDPI monitors, no indication of planned progress reporting was found. When asked to describe how progress on goals and short-term objectives was reported to parents, special educators stated that progress reports are issued quarterly. At least four special educators noted some dissatisfaction with the current progress report form.

Transition

34 CFR 300.347(b)(1-2) contains specific requirements for students with disabilities beginning at age 14. In review of files for students of transition age, NDDPI monitors found evidence to

support the summary of concerns reported in the Consortium Self-Assessment. IEPs do not consistently include all required components of the transition IEP; prior notices are not consistently and correctly completed; and other agency contacts are not being addressed or documented. Compliance with transition requirements was also cited as an area of noncompliance in the previous monitoring report (April 11, 1997).

Annual Goals and Short-Term Objectives

34 CFR 300.347 requires that goals be measurable and include short-term objectives intended to meet the child's educational needs resulting from the child's disability. Although the Peace Garden Consortium Self-Assessment Report indicated that 92% of student files reviewed met the standard for annual goals, the NDDPI monitors did not verify this level of compliance for all components. NDDPI monitors found 80% compliance for desired ending level of achievement; and 70% compliance for reasonably obtainable in one year, and individualized. The Peace Garden Self-Assessment Report indicated that 97% of student files reviewed met the standard for short-term objectives. However, NDDPI monitors did not verify this level of compliance for all components of short-term objectives. NDDPI monitors found 80% compliance for schedules for determining if objectives are met, and 75% compliance for sequential objectives if appropriate.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Implementation of IEP

34 CFR 300.342(b)(3)(i-ii) states that each teacher must be informed of his or her specific responsibility related to implementing the child's IEP, and specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. Concerns regarding this requirement are verified by parent comments reported in the Self-Assessment Report, and comments made by several special educators during interviews conducted by NDDPI monitors. A formal written complaint investigated by the Department of Public Instruction last year, verified noncompliance in one school district in the Peace Garden Special Education Unit. Although corrective actions have been completed, this issue rises to a level of some concern based on statements made during the recent Verification Review. Peace Garden Consortium is strongly encouraged to address this issue thorough on-going training and skill development for general educators to inform them of their responsibility to implement every student's IEP.

Provision of Free Appropriate Public Education (FAPE)

34 CFR 300.121 ensures that all children with disabilities aged 3 through 21...have the right to FAPE. The special education director of the Peace Garden Consortium reported to the Department of Public Instruction that parents have been offered reimbursement for costs incurred in evaluation and tuition for distance learning for secondary students. This issue is of enough concern, however, that careful monitoring of repeat occurrences in the future is warranted.

Consideration of Special Factors – Behavior

34 CFR 300.346(a)(2) requires that the IEP team consider, if appropriate, strategies and supports to address behavior. As identified in the Peace Garden Self-Assessment Report, there is a need for skill development for all educators in order to appropriately and effectively utilize positive behavior supports when needed. In addition, the Peace Garden Consortium is strongly

encouraged to further investigate needs for increased services for children with emotional disturbance.

IV. LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate, children with disabilities must be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.

As indicated in the Peace Garden Consortium Self-Assessment, 87% of the files reviewed provided a complete LRE justification statement. In a 2002 review summary of the Consortium structure, it was reported that 100% of the students attending the school districts served by the Consortium are educated in their home school districts. None of the students have been placed in a school district other than their home district solely for the purpose of receiving special education services. The consortium structure supports a LRE Committee to periodically review and monitor variables impacting the schools ability to meet the needs of all students in the least restrictive environment.

The Peace Garden Consortium Self-Assessment Report includes data from a special educator survey that indicates only 55% of the respondents agree that general educators do modify and adapt general education curriculum to meet the needs of students with disabilities. The Self-Assessment Report summary of comments from parents indicates some concern that their children have been integrated into inappropriate general education curriculum at the expense of needed skill instruction in the areas of vocational training, daily living skills, socialization, and functional life skills training. It was also reported, however, that parents overwhelmingly support the concept of integration of special education and general education into a unified system of educational services for all students.

During interviews conducted by NDDPI monitors, respondents were asked to "Describe the process for determining LRE." Further probes included questions regarding documentation of LRE decisions, determination of placement and harmful effect, and the continuum of educational services available. Further, educators and administrators were asked to describe the nature of collaborative efforts between general and special education teachers, as well as modifications and adaptations made to the general education curriculum to meet the needs of students with disabilities. Student file reviews completed by NDDPI monitors included a check of documentation of LRE decision, discussion of harmful effect and participation in general education.

NDDPI monitors reviewed and analyzed data and identified the following areas of strengths and suggestions for improvement.

STRENGTHS

During interviews conducted by NDDPI monitors, educators and administrators expressed an appreciation for the positive collaboration that occurs to support students with disabilities participating in the general education classrooms. During on-site file reviews conducted by

NDDPI monitors, it was noted that the LRE section of the IEP was “excellent”. Documentation of reasons LRE options were chosen and other options rejected, and discussion of harmful effects was clearly written and individualized to the student based on a well-written present level of educational performance.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Further research and improvement planning for issues noted as parent concerns, including the need for functional skill training when appropriate, is warranted. As discussed in Section III. FAPE, in this report, increased skills of general educators, especially when positive behavior supports are needed, will result in improved outcomes for students with disabilities participating in the general education setting. The Peace Garden Consortium is encouraged to continue to implement improvement planning efforts as described in the Annual Operational Plan (2002) in the areas of unified education system initiatives to support school-wide accommodations and learning environments that are responsive to the unique learning needs of all students, including students with disabilities.

V. PARENT INVOLVEMENT

Parents have the right to have access to their child’s educational records. Parental consent is required for initial evaluation, reevaluation, and placement. Parents must be included in IEP team decisions, and parents must be notified of their right to appeal.

The Peace Garden Consortium Self-Assessment includes descriptions of opportunities for parent involvement. Parents are included on local district Policy Councils established to provide a forum for consumer input and advice to the Peace Garden Consortium. Local Family Educator Enhancement Teams (FEET) are reported to be actively engaged in coordination of community volunteers in the schools, on-going parent needs assessments, parent training, networks including Parent-to-Parent, Respite Care, and Family Subsidy, and dissemination of a parent newsletter. In addition, the Consortium has developed an extensive *Parent and Community Involvement Manual* as a resource to be utilized by district Policy Councils. The Consortium implements a Family Participation policy “based on the premise that the family unit is the basic consumer group involved in decisions made by the school district, and that family involvement is a vital need at all levels of program planning, implementation, and evaluation.” The Consortium provides family education services to build the competence of family units to serve in the needed decision-making capacity. Family education services consist of knowledge, skills, and abilities provided to families that increase autonomy, decision-making capability, and social and emotional functioning.

As part of the Self-Assessment process, focus groups utilizing a parent moderator were offered to parents at seven locations throughout the Consortium. Input received from 57 parents was summarized and analyzed to determine patterns of positive comments, issues, and concerns. Specific issues are reported within other sections of this report. Areas of noncompliance include parent consent for evaluation documentation and progress reporting to parents.

During interviews conducted by NDDPI monitors, many educators and administrators reported strong parent involvement and participation in IEP meetings. Student file reviews completed by NDDPI monitors included a check of parent involvement and decision-making in the evaluation and IEP processes and placements.

NDDPI reviewed and analyzed the data and identified the following strengths.

STRENGTHS

The Peace Garden Consortium demonstrates a strong commitment to involving parents in the educational process for their children. A multitude of opportunities for parent involvement and training are provided consistently throughout the Consortium. Parents are welcomed as equal partners at a variety of levels including multidisciplinary teaming, advisory capacities, and in leadership roles within the Self-Assessment and improvement planning process. The Peace Garden Consortium special education director, board, and staff members are to be commended for proactively supporting authentic opportunities for parent involvement. NDDPI encourages the Consortium to continue to seek out and offer opportunities for parent involvement. Parent involvement is recognized as an important indicator of a school's success and has positive effects on children's attitudes and behaviors. Partnerships positively impact student achievement and benefit school personnel as well.

VI. PROCEDURAL SAFEGUARDS

Procedural safeguards include impartial due process hearings, the right to an independent educational evaluation, written notification to parents explaining their rights, parental consent, and appointment of surrogate parents, when needed.

The Peace Garden Consortium Self-Assessment Report file review indicated a range of 90% to 100% compliance for 6 of 7 procedural safeguards monitored. The only item reported below the standard was "record locator found in student file" at 81% compliance. No other concerns for procedural safeguards were reported in the Self-Assessment.

Student file reviews completed by NDDPI monitors included specific items for parent consent for initial evaluation and reevaluation, and parent prior notice for assessment planning. The compliance issue of parent consent for evaluation was discussed in Section. II. Nondiscriminatory Evaluation. NDDPI monitors did not identify any other areas of noncompliance in procedural safeguards. Record locators were found in all student files reviewed by NDDPI monitors. A review of the current *Eligibility Document (2000)* and the *Peace Garden Consortium Policies and Procedures Manual* verified that appropriate policies and procedures are in place for independent educational evaluations, limited access, and record of inspection.